

ASSEMBLY BILL

No. 2160

Introduced by Assembly Member Reyes

February 18, 2004

An act to add Section 11055 to the Penal Code, relating to foreign prosecution.

LEGISLATIVE COUNSEL'S DIGEST

AB 2160, as introduced, Reyes. Foreign prosecution.

Existing law provides that the Attorney General may, upon the request of any local, state or federal law enforcement official, make available to that official the department's technical experts for the purpose of assisting in the investigation of criminal matters, the detection of crimes, and the apprehension or prosecution of criminals.

This bill would create the Foreign Prosecution and Law Enforcement Unit within the Department of Justice to be the lead agency for all foreign prosecutions and foreign law enforcement matters with the responsibility for assisting local law enforcement agencies with foreign prosecutions, child abduction recoveries and returns under the Hague Convention on the Civil Aspects of International Child Abduction, and law enforcement investigative matters, as specified. This bill would also provide that the unit would collect information on a statewide basis regarding foreign prosecution cases for the primary purpose of analyzing the information it collects and disseminating its conclusions to local law enforcement agencies.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 11055 is added to the Penal Code, to read:

11055. (a) There is within the Department of Justice the Foreign Prosecution and Law Enforcement Unit designated with the responsibility for assisting local law enforcement agencies with foreign prosecutions, child abduction recoveries and returns under the Hague Convention on the Civil Aspects of International Child Abduction, and law enforcement investigative matters. The unit is also the lead agency for all foreign prosecutions and foreign law enforcement matters.

(b) The Foreign Prosecution and Law Enforcement Unit shall do all of the following:

(1) For those countries having extraterritorial jurisdiction allowing for the prosecution of their citizens for crimes committed in California, the unit shall provide informational assistance to local law enforcement on foreign prosecution protocols and provide technical assistance in preparing investigative materials for forwarding and filing in international jurisdiction. The unit shall provide information and guidance on the scope and uses of foreign prosecution to California prosecutors and law enforcement agencies. The unit shall be the central authority for the repository of foreign prosecution cases for all California law enforcement agencies and shall be responsible for tracking foreign prosecution cases presented by California law enforcement agencies. The unit shall collect information on a statewide basis regarding foreign prosecution cases for the primary purpose of analyzing the information it collects and disseminating its conclusions to local law enforcement agencies.

(2) The unit shall assist district attorneys in recovering children from Mexico, and, where appropriate, other countries in Central and South America either in court-ordered returns pursuant to the Hague Convention or voluntary returns.

(3) The unit shall assist local law enforcement agencies and foreign law enforcement in formal requests under the Mutual Legal Assistance Treaty. The unit shall also assist California law enforcement agencies and foreign officials in informal requests for mutual legal assistance.

1 (4) The unit, under the direction of the Attorney General, shall
2 provide information to local law enforcement on sensitive
3 diplomatic issues.

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